27th November 1928]

APPENDIX I.

[*Vide* answer to question No. 718 asked by Mr. V. I. Muniswami Pillai, at the meeting of the Legislative Council held on the 27th November 1928, page 185 supra.]

Copy of report from the President, Sankari Taluk Board, dated 7th November 1928

I have the honour to state that a report was received from the teacher, Board Elementary Adi-Dravida school, Minnampalli, on 22nd August 1928, that the marginally-noted articles of furniture of his school and some other property of his own which were kept in the school premises were stolen on the night of 20th August 1928. A copy of the report has been forwarded to the Sub-Inspector of Police, Elachipalaiyam (Tiruchengodu circle), on 23rd August 1928 for investigation and early remarks. The Sub Inspector of Police in his endorsement No. Nil, dated 25th October 1928, has stated that the persons concerned in the theft, viz., Ramaswami Gounden, Muthu Gounden and Thambi Gounden of Selambagoundanpalaiyam were charged under sections 457, 380 and 426, Indian Penal Code, and the case is under trial before the Stationary Sub-Magistrate at Tiruchengodu.

1. Table 1.
2. Stool 1.
3. Big wooden box with school records 1.
4. Bench 1.
5. Chair 1.
6. Time-piece 1.

APPENDIX II.

[*Vide* Item III—The Jaina Succession Bill, at page 211 supra.]

BILL No. 17 OF 1927.

THE JAINA SUCCESSION BILL.

Report of the Select Committee.

To

THE HONOURABLE THE LEGISLATIVE COUNCIL
OF THE GOVERNOR OF MADRAS.

WE, the undersigned members of the Select Committee appointed to consider the Jaina Succession Bill (Bill No. 17 of 1927) have the honour to submit the following report.

2. The Bill was published in the *Fort St. George Gazette* in English on the 20th September 1927 and in Tamil, Telugu, Malayalam and Kanarese on the 27th September 1927.

3. The Committee met on the following dates :—

31st October 1927,
4th November 1927,
8th September 1928,
26th October 1928, and
9th November 1928.

At the meeting dated 4th November 1927, the Committee prepared a questionnaire copies of which were circulated to 69 gentlemen of whom 58 gentlemen sent replies. Twelve gentlemen were also examined orally by the Select Committee on the 26th October 1928 at Mangalore.

4. The answers given to the questionnaire as well as the answers of the witnesses during their oral examination clearly show that the Jaina community is unanimously in favour of this Bill. The Committee have therefore accepted the Bill and have only made a few drafting changes. The most important change they have made is the omission of the explanation to clause 5 and the insertion of a new clause instead as clause 6. The Committee think that the principle contained in the Explanation should be incorporated in the Bill in the form of a substantive clause and have therefore omitted the Explanation and inserted clause 6.

5. A copy of the Bill as amended by the Committee is annexed. The Committee do not think it necessary to republish the Bill.

S. SATYAMURTI.
M. KRISHNAN NAYAR.
P. SUBBARAYAN.
C. V. ANANTAKRISHNA AYYAR.
K. R. KARANT.
J. A. SALDANHA.
M. SCHAMNAD.
A. B. SHETTY.
K. SITARAMA REDDIYAR.
B. S. MALLAYYA.

27th November 1928]

[The alterations made by the Select Committee are printed in clarendon type.]

BILL No. 17 OF 1927.

THE JAINA SUCCESSION BILL.

An Act to amend and define the Law of Intestate succession among Jainas governed by **the** *Aliyasantana Law of Inheritance.*

WHEREAS it is expedient to amend and define the law **relating** to intestate succession among Jainas governed by **the** Aliyasantana Law of Inheritance and whereas the previous sanction of the Governor-General has been obtained under section 80-A of the Government of India Act; It is enacted as follows:— **Preamble.**

1. This Act may be called the Jaina Succession Act, 192**8**. **Short title.**

2. It extends to the whole of the Presidency of Madras. **Local extent.**

3. It applies to Jainas domiciled in the Presidency of Madras who are governed by the Aliyasantana Law of Inheritance and also, in respect of immovable property situated within the Presidency of Madras to Jainas domiciled outside the said Presidency who are so governed. **The application of the Act.**

4. A person is **deemed** to die intestate **in respect** of **all** property, of which he has not made a testamentary **disposition** which is capable of taking effect. **Intestate property.**

Explanation.—Property in this section does not include tarwad **(kutumba)** property, unless the person dying intestate was exclusively entitled to it.

5. Such property shall, notwithstanding any law **or** custom to the contrary, devolve upon his heirs in the order and according to the rules of the Mitakshara Law of Inheritance, under the Hindu Law as administered in **the Presidency of Madras. Such property, on devolution, shall be subject to all the incidents of the Mitakshara Law of Inheritance as administered in the Presidency of Madras.** **Mitakshara law of Inheritance to be applicable to Jainas now governed by the Aliyasantana Law.**

6. Notwithstanding any law to the contrary, all forms of marriages among such Jainas recognized by custom as valid shall be legal and valid for the purposes of this Act. **Customary marriages among Jainas governed by Aliyasantana Law to be legal.**